

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CARLOS ABREU,

Plaintiff,

-v-

9:17-CV-1312
(DNH/ML)

JUSTIN J. THOMAS, Superintendent, Marcy
Correctional Facility; and SEAN P. WIGGINS,
Correction Officer, Marcy Correctional Facility,

Defendants.

APPEARANCES:

OF COUNSEL:

CARLOS ABREU
Plaintiff, Pro Se
(last known address)
046 046 276
Buffalo Federal Detention Facility
4250 Federal Drive
Batavia, NY 14020

HON. LETITIA JAMES
Attorney General for the State of New York
Attorney for Defendant
The Capitol
Albany, NY 12224

ERIK BOULE PINSONNAULT, ESQ.
Ass't Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Pro se plaintiff Carlos Abreu brought this civil rights action pursuant to 42 U.S.C.

§ 1983. On October 15, 2019, the Honorable Miroslav Lovric, United States Magistrate

Judge, advised by Report-Recommendation that defendants' motion to dismiss be granted and that plaintiff's Complaint be dismissed in its entirety.¹ No objections to the Report-Recommendation have been filed.

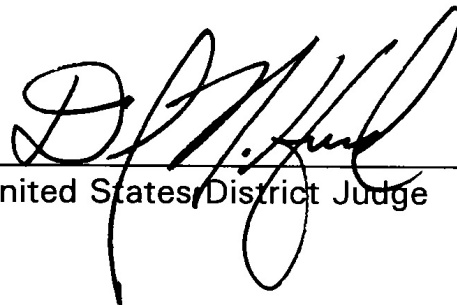
Based upon a careful review of the entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

Therefore, it is

ORDERED that

1. Defendants' motion to dismiss is GRANTED;
2. Plaintiff's Complaint is DISMISSED; and
3. The Clerk is directed to enter judgment accordingly and close the file.

IT IS SO ORDERED.



United States District Judge

Dated: January 6, 2020
Utica, New York.

¹ The Report-Recommendation, mailed to Abreu's address at the Buffalo Federal Detention Facility, was returned as undeliverable. ECF No. 59. The envelope reads "gone".